



**CITY OF DURHAM
PARISH COUNCIL**

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18 November 2019

Dear Michelle,

DM/19/03170/CEU | Certificate of lawful use application for the change of use of C3 Dwellinghouse to C4 HMO prior to the Article 4 Direction coming into force | 11 Mayorswell Close Durham DH1 1JU

Janet George has shared your email of 8 November with the Parish Council and this was discussed at our meeting on Friday 8 November. This was the email in which you asked her to provide if possible a sworn affidavit.

You asked Miss George to provide the dates of the Michaelmas Term 2016. This information is in the Parish representation of 29 October 2019: the new Academic Year's first term started on 10 October 2016. The previous week was an induction week, commonly called Freshers' Week, for first year students but as these are almost always accommodated in college you can reasonably infer that the new tenants of 11 Mayorswell Close did not have to be in Durham until 10 October. I refer you to the Inspector's decision mentioned in our previous letter. He made it clear that the relevant date was when the new tenants actually moved in, not when the owner decided to convert the house to an HMO nor indeed the date on a tenancy agreement.

Whilst we appreciate that you are seeking to construct a robust case, is it a reasonable step to ask a neighbour to incur the expense of swearing an affidavit as a consequence of objecting to an unwelcome planning application? As we see the evidence, the applicant has claimed that the house has been an HMO since 9 December 2015. This cannot be the case since both immediate neighbours have provided evidence that the house was uninhabited and uninhabitable as building work was carried out. There is also evidence to this effect from the Council's own planning and building control files. The onus is on the applicant to substantiate her case and there is no obligation for Council officers to seek to correct what might generously be called an error on the application form, with no other evidence provided. Consequently we repeat our request that the application be refused.

Should you be minded to approve the application we ask that this be taken to the relevant committee. As the Parish Clerk is now on holiday until after the deadline, I am signing in my capacity as chair of the Parish Planning Committee.

Yours sincerely,

Roger Cornwell
Chair, Planning Committee, City of Durham Parish Council